

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

<b>TREVOR FITZGIBBON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Civil Action No. 3:19-cv-477-REP</b>
	)	
<b>JESSELYN A. RADACK,</b>	)	
	)	
<b>Defendant.</b>	)	

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**DEFENDANT’S MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6)**

Defendant Jesselyn A. Radack, by and through undersigned counsel, and pursuant to Fed. R. Civ. P. 12(b)(6) hereby moves to dismiss with prejudice the Third Amended Complaint filed herein by Plaintiff Trevor Fitzgibbon for failure to state a claim upon which relief may be granted and in support thereof, respectfully refers the Court to the accompanying Memorandum in Support.

WHEREFORE, Jesselyn A. Radack respectfully requests that the Court grant the instant motion and enter the attached proposed Order.

Dated: June 8, 2020

Respectfully submitted,

JESSELYN A. RADACK

/s/ D. Margeaux Thomas  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 8<sup>th</sup> day of June 2020, a copy of the foregoing document was filed with the Court electronically. Notice of this filing will be sent automatically by the Court's CM/ECF system to the following parties:

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